

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**FRANK WIATER and DELINA
WIATER, husband and wife,**

Plaintiffs,

v.

**UNITED STATES OF AMERICA and
UNMC PHYSICIANS, a non-profit
Nebraska Domestic corporation,**

Defendants.

CASE NO. 8:11CV290

ORDER

This matter is before the Court on the unopposed Motion to Dismiss Party (Filing No. 36) filed by Plaintiffs Frank and Delina Wiater. Under Federal Rule of Civil Procedure 41(a)(2) the Court finds the motion should be granted and the Plaintiffs' claims against Defendant UNMC Physicians should be dismissed without prejudice. The parties will bear their own costs and attorney fees. Accordingly,

IT IS ORDERED:

1. Plaintiffs' Motion to Dismiss (Filing No. 36) is granted;
2. Plaintiffs' claims against Defendant UNMC Physicians are dismissed without prejudice, and the clerk is instructed to remove Defendant UNMC Physicians from the case caption; and
3. The affected parties will bear their own costs and attorney fees.

DATED this 13th day of February, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge